

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Eric C. Sorenson

**ORDER**

-against-

**15-cv-4614-AMD-SJB**

Sandra Simpson

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**BULSARA, United States Magistrate Judge:**


On November 27, 2017, Defendant filed a motion to compel, seeking responses to her document requests (Nos. 2, 3, 4, and 10). According to Defendant, Plaintiff has refused to produce any responsive documents. Plaintiff's response to the motion to the compel argues, in a conclusory fashion, that the requests are not proportional to the case. No explanation is given as to why the documents are not relevant or discoverable other than there is no "cogent theory of the case" that supports Defendant's request for documents.

Plaintiff's objections to the document requests are without merit. The documents sought are relevant and plainly discoverable. For example, Request No. 2 seeks correspondence between the parties relating to the cost of the litigation, expenses and tasks of the underlying lawsuits that are the basis of Plaintiff's claims against Defendant. Defendant is entitled to those documents given that this is both a dispute about attorney's fees and there is a sharp dispute about the course of events and the nature of the financial arrangements between the parties. Request No. 3 also seeks correspondence related to those agreements and the parties' relationship; Defendant is certainly entitled to such documents. Request No. 4 seeks copies and notes related to the retainer agreement between the parties; given that this is a dispute about attorney's fees and Plaintiff alleges that Defendant breached a 2009 retainer agreement, Defendant is also entitled to these

documents. *See* Am. Compl. ¶ 4 (“In this action, Sorenson is seeking a “reasonable fee,” (the pertinent term in the governing retainer agreement between Sorenson and Simpson), from Simpson for his legal services and expenses rendered in the D.C. Federal Courts from 1999-2008.”); ¶ 6 (“Simpson met, negotiated, and executed two retainer agreements with Sorenson in New York City.”). Request No. 10 seeks documents concerning the fees paid by Plaintiff. Assuming that this is a reference to the fees and costs that Plaintiff alleges he incurred in the representation of Defendant and that is the basis of his claim for unjust enrichment (*Id.* at ¶ 45), Defendant is also entitled to such documents.

As to Plaintiff’s argument that this request for documents comes long “after discovery has closed,” Plaintiff misapprehends the state of the case. An answer to the amended complaint was filed on June 26, 2017, the motions to dismiss were finally resolved in September 2017, and no date for the close of discovery was set. Plaintiff should have produced documents in response to these requests back in September, and does not dispute Defendant’s statement that no documents have been produced to date. Defendant’s motion to compel production of documents in response to requests Nos. 2, 3, 4, and 10 is granted. Plaintiff shall produce all responsive documents to Defendant by **January 31, 2018**. In light of this order on the motion to compel, the date for Defendant to begin summary judgment practice before the District Judge is extended until **February 15, 2018**.

SO ORDERED.

S/   
SANKET J. BULSARA  
United States Magistrate Judge

December 12, 2017  
Brooklyn, New York